



Whether all or any portion of this Award should be assessed against the Kansas Workers Compensation Fund.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the whole evidentiary record filed herein, and in addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the Award of the Administrative Law Judge accurately sets out both findings of fact and conclusions of law in detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein.

A review of the evidence fails to uncover support for respondent's contention that claimant developed left-handed carpal tunnel syndrome as a result of overcompensation for his right-handed carpal tunnel difficulties. The close proximity in time of the development of the two (2) upper extremity problems convinces the Appeals Board that claimant's bilateral upper extremity injuries occurred as a result of a series of micro-traumas to both upper extremities arising out of the course of his employment and not as a result of a second injury to claimant's left upper extremity.

The Appeals Board further finds that claimant developed symptomatic diabetes mellitus from the injection of cortisone as treatment for the claimant's bilateral carpal tunnel during a period of time when claimant was not working for respondent but was, instead, off work undergoing medical treatment for his prior work-related injury. Respondent has failed to prove claimant suffered a second injury arising out of and in the course of his employment with respondent. As such, liability should remain with the respondent as claimant's diabetes developed, not as the result of a second injury, but rather as a natural and probable consequence of the original injury.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark, dated September 23, 1994, denying award in respondent's favor against the Kansas Workers Compensation Fund should be, and is hereby, affirmed in all respects.

Fees necessary to defray the expense of the administration of the Workers Compensation Act are hereby assessed against the respondent as follows:

Barber & Associates	
Transcript of Regular Hearing	\$93.90
Don K. Smith & Associates	
Deposition of Tyrone D. Artz, M.D.	\$336.50
Deposition of Lamont Bloom, M.D.	\$317.75
Deposition Services	
Deposition of Kenneth D. Zimmerman, M.D.	\$427.60

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c:     Norman I. Cooley, Wichita, Kansas  
       Frederick L. Haag, Wichita, Kansas  
       Marvin Appling, Wichita, Kansas  
       John D. Clark, Administrative Law Judge  
       Philip S. Harness, Director